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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
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9 JOE MARTINEZ, JR.

10 Plaintiff,

11 v.

12 SERGEANT VILLANUEVA, et al.,

13 Defendants.
14

Case No. 1:24-cv-00527-JLT-EPG (PC)

**DISCOVERY ORDER REQUIRING
PARTIES TO EXCHANGE
DOCUMENTS**

15 To secure the just, speedy, and inexpensive disposition of this action,¹ the Court will
16 direct that certain documents that are central to the dispute be promptly produced.²

17 Accordingly, IT IS ORDERED that:

- 18 1. Each party has sixty days from the date of service of this order to serve opposing
19 parties, or their counsel, if represented, with copies of the following documents
20 and/or evidence if they have them in their possession, custody, or control, to the
21 extent these documents exist, are relevant, and the parties have not already done
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23 ¹ See, e.g., *United States v. W.R. Grace*, 526 F.3d 499, 508–09 (9th Cir. 2008) (“We begin with
24 the principle that the district court is charged with effectuating the speedy and orderly administration of
25 justice. There is universal acceptance in the federal courts that, in carrying out this mandate, a district
26 court has the authority to enter pretrial case management and discovery orders designed to ensure that
the relevant issues to be tried are identified, that the parties have an opportunity to engage in appropriate
discovery and that the parties are adequately and timely prepared so that the trial can proceed efficiently
and intelligibly.”).

27 ² Advisory Committee Notes to 1993 Amendment to Federal Rules of Civil Procedure regarding
28 Rule 26(a) (“The enumeration in Rule 26(a) of items to be disclosed does not prevent a court from
requiring by order or local rule that the parties disclose additional information without a discovery
request.”).

1 so. Defense counsel is requested to obtain these documents from Plaintiff's
 2 institution(s) of confinement. If defense counsel is unable to do so, defense
 3 counsel should inform Plaintiff that a third-party subpoena is required. This
 4 order applies to all documents including confidential documents. Moreover, the
 5 parties are required to produce these documents, or lodge objections as
 6 described below, without awaiting a discovery request.

- 7 a. Documents regarding exhaustion of Plaintiff's claims, including 602s,
 8 Form 22s, and responses from the appeals, if any.
- 9 b. Witness statements and evidence that were generated from
 10 investigation(s) related to the event(s) at issue in the complaint, such as
 11 an investigation stemming from the processing of Plaintiff's
 12 grievance(s), if any.³
- 13 c. Plaintiff's medical records related to the incident(s) and/or condition(s)
 14 at issue in the case, if any.
- 15 d. Video recordings and photographs related to the incident(s) at issue in
 16 the complaint, including video recordings and photographs of Plaintiff
 17 taken following the incident(s), if any.⁴
- 18 e. Documents, electronically stored information, and tangible things that
 19 the disclosing party has in its possession, custody, or control and may
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 22 ³ See *Woodford v. Ngo*, 548 U.S. 81, 94–95 (2006) (“[P]roper exhaustion improves the quality
 23 of those prisoner suits that are eventually filed because proper exhaustion often results in the creation of
 24 an administrative record that is helpful to the court. When a grievance is filed shortly after the event
 25 giving rise to the grievance, witnesses can be identified and questioned while memories are still fresh,
 26 and evidence can be gathered and preserved.”).

27 The Court notes that Defendant(s) only need to produce documents such as a Confidential
 28 Appeal Inquiry or a Use of Force Critique to the extent those documents contain witness statements
 related to the incident(s) alleged in the complaint and/or evidence related to the incident(s) alleged in the
 complaint that will not be provided to Plaintiff separately.

⁴ If Plaintiff is not allowed possess, or is unable to play, video recording(s), defense counsel
 shall work with staff at Plaintiff's institution of confinement to ensure that Plaintiff is able to view the
 video recording(s).

1 use to support its claims or defenses, unless the use would be solely for
2 impeachment, if any.

- 3 2. If any party obtains documents and/or other evidence described above later in
4 the case (including, but not limited to, documents and/or other evidence from a
5 third party), that party shall provide all other parties with copies of the
6 documents and/or evidence within thirty days. The failure of a party to comply
7 with this requirement may result, among other things, in the party not being able
8 to rely on the pertinent information later in the case.
- 9 3. Parties do not need to produce documents or evidence that they have already
10 produced.
- 11 4. Parties do not need to produce documents or evidence that were provided to
12 them by the opposing party.
- 13 5. Parties may object to producing any of the above-listed documents and/or
14 evidence. Objections shall be filed with the Court and served on all other parties
15 within sixty days from the date of service of this order (or within thirty days of
16 receiving additional documents and/or evidence). The objection should include
17 the basis for not providing the documents and/or evidence. If Defendant(s)
18 object based on the official information privilege, Defendant(s) shall follow the
19 procedures described in the Court's scheduling order.
- 20 6. If a party files an objection, all other parties have fourteen days from the date the
21 objection is filed to file a response. If any party files a response to an objection,
22 the Court will issue a ruling on the objection.

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24 IT IS SO ORDERED.

25 Dated: November 17, 2025

26 /s/ Eric P. Grogan
27 UNITED STATES MAGISTRATE JUDGE
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